

Executive Summary – Enforcement Matter – Case No. 51367
BARTON WATER SUPPLY CORPORATION
RN101439172
Docket No. 2015-1510-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Barton WSC, 101 Mount Zion Road near Gordon, Erath County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 29, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$330

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$330

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: \$36

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 14, 2015 through September 25, 2015

Date(s) of NOE(s): September 25, 2015

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BARTON WATER SUPPLY CORPORATION
RN101439172
Docket No. 2015-1510-PWS-E

Violation Information

1. Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter for total trihalomethanes ("TTHM") based on the locational running annual average and failed to provide public notification and submit a copy of the public notification to the Executive Director ("ED") regarding the failure to comply with the MCL for TTHM based on the locational running annual average [30 TEX. ADMIN. CODE §§ 290.115(f)(1) and 290.122(b)(3)(A) and (f) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to timely submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the ED each quarter by the tenth day of the month following the end of the quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
3. Failed to provide public notification and submit a copy of the public notification to the ED regarding the failure to collect routine coliform monitoring samples [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On July 22, 2015, the Respondent submitted the DLQOR for the first quarter of 2015.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the ED;
 - ii. Provide public notification regarding the failure to comply with the MCL for TTHM based on the locational running annual average for the second quarter of 2015 and regarding the failure to collect routine coliform monitoring samples for the month of April 2015, and provide a copy of each public notification to the ED; and
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

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BARTON WATER SUPPLY CORPORATION
RN101439172
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- c. Within 90 days, begin submitting DLQORs to the ED each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.
- d. Within 285 days, submit written certification to demonstrate compliance with c.
- e. Within 365 days, return to compliance with the locational running annual average MCL for TTHM.
- f. Within 380 days, submit written certification to demonstrate compliance with e.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Kingsley Coppinger, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6581; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483
TCEQ SEP Coordinator: N/A
Respondent: Larry Angerhofer, President, BARTON WATER SUPPLY CORPORATION, P.O. Box 272, Gordon, Texas 76453
Respondent's Attorney: N/A



Policy Revision 4 (April 2014)

Penalty Calculation Worksheet (PCW)

PCW Revision March 26, 2014

DATES	Assigned	28-Sep-2015	Screening	2-Oct-2015	EPA Due	30-Sep-2015
	PCW	2-Oct-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	BARTON WATER SUPPLY CORPORATION		
Reg. Ent. Ref. No.	RN101439172		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	51367	No. of Violations	3
Docket No.	2015-1510-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Kingsley Coppinger
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$210**
ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **40.0%** **Adjustment** **Subtotals 2, 3, & 7** **\$84**
Notes Enhancement for four NOV's with same/similar violations and one order containing a denial of liability.

Culpability **No** **0.0%** **Enhancement** **Subtotal 4** **\$0**
Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**
Economic Benefit **0.0%** **Enhancement*** **Subtotal 6** **\$0**

 Total EB Amounts \$710
 Estimated Cost of Compliance \$5,317

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$294**
OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes
Final Penalty Amount **\$294**
STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$330**
DEFERRAL **0.0%** **Reduction** **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$330**

Screening Date 2-Oct-2015

Docket No. 2015-1510-PWS-E

PCW

Respondent BARTON WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 51367

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101439172

Media [Statute] Public Water Supply

Enf. Coordinator Kingsley Coppinger

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 40%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for four NOVs with same/similar violations and one order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 40%

Screening Date 2-Oct-2015

Docket No. 2015-1510-PWS-E

PCW

Respondent BARTON WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 51367

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101439172

Media [Statute] Public Water Supply

Enf. Coordinator Kingsley Coppinger

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.115(f)(1) and 290.122(b)(3)(A) and (f) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average, and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to comply with the MCL for TTHM, based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts at Site 2 were 0.086 mg/L for the first quarter of 2015, 0.094 mg/L for the second quarter of 2015, and 0.123 mg/L for the third quarter of 2015, and public notification was due by August 11, 2015 for failure to comply with the MCL for TTHM, based on the locational running annual average, for the second quarter of 2015, but was not provided.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

As a result of the exceedances, persons served by the Facility have been exposed to significant amounts of contaminants which do not exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

273 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$150

One annual event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$705

Violation Final Penalty Total \$210

This violation Final Assessed Penalty (adjusted for limits) \$210

Economic Benefit Worksheet

Respondent BARTON WATER SUPPLY CORPORATION
Case ID No. 51367
Reg. Ent. Reference No. RN101439172
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	31-Mar-2015	31-Mar-2017	2.00	\$33	\$668	\$701
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	14-Sep-2015	1-Apr-2016	0.55	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	11-Aug-2015	1-Apr-2016	0.64	\$1	n/a	\$1

Notes for DELAYED costs

The \$5,000 other delayed cost includes the estimated amount necessary to implement an alternative method of disinfection, calculated from the last day of the first quarter of non-compliance to the estimated date of compliance. The training/sampling delayed cost includes the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner, calculated from the record review start date to the estimated date of compliance. The \$25 other delayed cost includes the estimated amount to ensure that the delinquent public notification (\$25 per notification x one notification) is provided to persons served by the Facility and a copy of the public notification is provided to the Executive Director, calculated from the due date of the public notification to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,125

TOTAL

\$705

Screening Date 2-Oct-2015

Docket No. 2015-1510-PWS-E

PCW

Respondent Barton Water Supply Corporation

Policy Revision 4 (April 2014)

Case ID No. 51367

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101439172

Media [Statute] Public Water Supply

Enf. Coordinator Kingsley Coppinger

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

Violation Description Failed to timely submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the first quarter of 2015.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

90

Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$14

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent BARTON WATER SUPPLY CORPORATION
Case ID No. 51367
Reg. Ent. Reference No. RN101439172
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	14-Sep-2015	1-Apr-2016	0.55	\$1	n/a	\$1
Training/Sampling	\$100	14-Sep-2015	1-Apr-2016	0.55	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$22	10-Apr-2015	22-Jul-2015	0.28	\$0	n/a	\$0

Notes for DELAYED costs

The record keeping system and training/sampling delayed costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that the self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs, calculated from the record review start date to the estimated date of compliance. The other delayed cost includes the estimated amount to prepare and submit DLQORs (\$22 per report x one missed report), calculated from the date the report was due for the first quarter of 2015 to the date the report was submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$167

TOTAL

\$4

Screening Date 2-Oct-2015

Docket No. 2015-1510-PWS-E

PCW

Respondent BARTON WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 51367

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101439172

Media [Statute] Public Water Supply

Enf. Coordinator Kingsley Coppinger

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)

Violation Description

Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect routine coliform monitoring samples for the month of April 2015.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

92

Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$70

This violation Final Assessed Penalty (adjusted for limits) \$70

Economic Benefit Worksheet

Respondent BARTON WATER SUPPLY CORPORATION
Case ID No. 51367
Reg. Ent. Reference No. RN101439172
Media Public Water Supply
Violation No. 3

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	31-Jul-2015	1-Apr-2016	0.67	\$1	n/a	\$1

Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure that the delinquent public notification (\$25 per notification x one notification) is provided to persons served by the Facility and a copy of the public notification is provided to the Executive Director, calculated from the due date of the public notification to the estimated date of compliance. See also the training/sampling delayed cost in Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$1

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PENDING Compliance History Report for CN600622716, RN101439172, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN600622716, BARTON WATER SUPPLY CORPORATION
Regulated Entity: RN101439172, BARTON WSC
Complexity Points: N/A
CH Group: 14 - Other
Location: 101 MOUNT ZION ROAD NEAR GORDON, ERATH COUNTY, TEXAS
TCEQ Region: REGION 04 - DFW METROPLEX

Classification: UNCLASSIFIED **Rating:** -----

Classification: NOT APPLICABLE **Rating:** N/A

Repeat Violator: N/A

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0720013

WATER LICENSING LICENSE 0720013

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: October 02, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 02, 2010 to October 02, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Rachel Bekowies

Phone: (512) 239-2608

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 07/10/2015 ADMINORDER 2015-0153-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, on October 30, 2014, samples were taken at 1160 Highway 193, 3281 County Road 465 and 31159 North State Highway 108 and measured a total chlorine residual of 0.10 mg/L, 0.00 mg/L, and 0.12 mg/L, respectively; and on November 24, 2014, samples were taken at 1160 Highway 193, 3281 County Road 465 and 31999

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(vii)

Description: Failed to maintain water works operation and maintenance records and make them available for review by Commission personnel. Specifically, at the time of the investigation, it was documented that the respondent was not maintaining a record of the amount of chemical used each day and was not maintaining a record of the work performed and the number of hours worked by the part-time operator.

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)

Classification: Moderate

Description: Failure to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system. Specifically, at the time of the investigation, it was documented that routine distribution coliform samples were only collected in two of the five pressure planes.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(B)

Description: Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day. Specifically, it was documented that the Respondent was only monitoring the disinfectant residual in two of the five pressure planes.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 03/16/2015 (1280885) CN600622716
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 1Q2015 - During the 1st quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.086 mg/L at 1496 CR 318, Stephenville, TX (DBP2-02).
- 2 Date: 05/13/2015 (1280885) CN600622716
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 2Q2015 - During the 2nd quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.094 mg/L at 1496 CR 318, Stephenville, TX (DBP2-02).
- 3 Date: 06/26/2015 (1280885) CN600622716
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2015 within the required timeline.
- 4 Date: 08/31/2015 (1280885) CN600622716
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 3Q2015 - During the 3rd quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.123 mg/L at 1496 CR 318, Stephenville, TX (DBP2-02).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
Description: TTHM DBP2 MCL PN 2Q2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for trihalomethanes during the 2nd quarter of 2015.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)

Description: APR/2015 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 04/2015.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

All NOV's Issued During Component Period 10/2/2010 and 10/2/2015

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3 Date: 03/18/2014 (1156426) CN600622716
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)
30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure to inspect ground storage tanks annually
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
Description: Failure to verify the accuracy of manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations.
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)
Description: Failure to provide a total storage capacity of 200 gallons per connection for Pressure Plane #3.

4* Date: 03/16/2015 (1280885) CN600622716
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 1Q2015 - During the 1st quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.086 mg/L at 1496 CR 318, Stephenville, TX (DBP2-02).

5* Date: 05/13/2015 (1280885) CN600622716
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 2Q2015 - During the 2nd quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.094 mg/L at 1496 CR 318, Stephenville, TX (DBP2-02).

6* Date: 06/26/2015 (1280885) CN600622716
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2015 within the required timeline.

7* Date: 08/31/2015 (1280885) CN600622716
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 3Q2015 - During the 3rd quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.123 mg/L at 1496 CR 318, Stephenville, TX (DBP2-02).
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: TTHM DBP2 MCL PN 2Q2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for trihalomethanes during the 2nd quarter of 2015.
Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: APR/2015 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 04/2015.

* NOVs applicable for the Compliance History rating period 9/1/2010 to 8/31/2015

Appendix B

All Investigations Conducted During Component Period October 02, 2010 and October 02, 2015

	(877701)	
Item 1	November 23, 2010**	For Informational Purposes Only
	(1124070)	
Item 2	November 01, 2013**	For Informational Purposes Only
	(1156426)	
Item 3	March 17, 2014**	For Informational Purposes Only
	(1163799)	
Item 4	April 21, 2014**	For Informational Purposes Only
	(1280885)	
Item 5	September 21, 2015	For Informational Purposes Only
	(1281097)	
Item 6	September 25, 2015	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2010 and 08/31/2015.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BARTON WATER SUPPLY
CORPORATION
RN101439172**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2015-1510-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BARTON WATER SUPPLY CORPORATION ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns a public water supply at 101 Mount Zion Road near Gordon, Erath County, Texas (the "Facility") that has approximately 290 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted from September 14, 2015 through September 25, 2015, TCEQ staff documented that the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts at Site 2 were 0.086 milligrams per liter ("mg/L") for the first quarter of 2015, 0.094 mg/L for the second quarter of 2015, and 0.123 mg/L for the third quarter of 2015, and that public notification was due by August 11, 2015 for failure to comply with the maximum contaminant level ("MCL") for TTHM, based on the locational running annual average, for the second quarter of 2015, but was not provided.
3. During a record review conducted from September 14, 2015 through September 25, 2015, TCEQ staff documented that the Respondent did not timely submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the first quarter of 2015.
4. During a record review conducted from September 14, 2015 through September 25, 2015, TCEQ staff documented that the Respondent did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect routine coliform monitoring samples for the month of April 2015.
5. The Respondent received notice of the violations on September 30, 2015.
6. The Executive Director recognizes that on July 22, 2015, the Respondent submitted the DLQOR for the first quarter of 2015.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to comply with the MCL of 0.080 mg/L for TTHM, based on the locational running annual average, and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to comply with the MCL for TTHM, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE §§ 290.115(f)(1) and 290.122(b)(3)(A) and (f) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to timely submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).

4. As evidenced by Findings of Fact No. 4, the Respondent failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect routine coliform monitoring samples, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Three Hundred Thirty Dollars (\$330) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Three Hundred Thirty Dollar (\$330) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Three Hundred Thirty Dollars (\$330) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BARTON WATER SUPPLY CORPORATION, Docket No. 2015-1510-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122;

- ii. Provide public notification regarding the failure to comply with the MCL for TTHM, based on the locational running annual average, for the second quarter of 2015 and regarding the failure to collect routine coliform monitoring samples for the month of April 2015, and provide a copy of each public notification to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.;
- c. Within 90 days after the effective date of this Agreed Order, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:
- DLQOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- d. Within 285 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.;
- e. Within 365 days after the effective date of this Agreed Order, return to compliance with the locational running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.115; and
- f. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1)

enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

4/8/16
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of BARTON WATER SUPPLY CORPORATION. I am authorized to agree to the attached Agreed Order on behalf of BARTON WATER SUPPLY CORPORATION, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, BARTON WATER SUPPLY CORPORATION waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

11/30/2015
Date

LARRY ANGERHOFER
Name (Printed or typed)
Authorized Representative of
BARTON WATER SUPPLY CORPORATION

PRESIDENT
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.